

CHAPTER 1117
Supplementary District Regulations

1117.01	Purpose.	1117.13	Yard requirements for multi-family dwellings.
1117.02	Average front yard setback.	1117.14	Exceptions to height regulations.
1117.03	Principal building per lot.	1117.15	Objectionable, noxious or dangerous uses, practices or conditions.
1117.04	Accessory uses.	1117.16	Home occupations.
1117.05	Adequacy of proposed water and sanitary sewage disposal facilities.	1117.17	Telecommunications facility.
1117.06	Corner lots.	1117.18	Industrial park development.
1117.07	Screening.	1117.19	Firewood.
1117.08	Factory built housing.	1117.20	Garage sales.
1117.09	Parking and storage of commercial vehicles.	1117.21	Race tracks.
1117.10	Campers.	1117.22	Buildings to be moved.
1117.11	Junk.		
1117.12	Yard requirements for nonresidential uses abutting residential districts.		

1117.01 PURPOSE.

The purpose of supplementary district regulations is to set specific conditions, applying to all respective districts, for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

1117.02 AVERAGE FRONT YARD SETBACK.

(a) Whenever 50 percent or more of any one (1) street in any one (1) block has been developed prior to the effective date of adoption of this Ordinance, the minimum front yard setback line shall be the average setback of all structures erected prior to said date. This provision shall apply only to those blocks which are less than 500 feet in length.

(b) Whenever the minimum front yard setback line required by this Ordinance would be in conflict with existing character of the surrounding area on any one (1) street in any one (1) block 500 feet in length or more, the Planning Commission shall have the authority to increase or decrease said line. The Planning Commission shall exercise its authority only in conformance with existing conditions.

1117.03 PRINCIPAL BUILDING PER LOT.

No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Ordinance. Exception shall be given to garden apartments or cluster developments. Furthermore, every principal building shall be located on a lot having frontage on a public street except in industrial parks.

1117.04 ACCESSORY USES.

Accessory uses in any Residential District may be detached from the principal building or may be erected as an integral building, or may be connected therewith by a breezeway or similar structure. Unless otherwise specified in this Ordinance, accessory uses shall not occupy more than 35 percent of any required rear yard, and shall be at least 5 feet distance from all adjoining lot lines.

The front yard setback line of all accessory uses shall be the same as required for the primary structure.

Accessory uses located on a corner lot shall not be nearer a side street lot line than the minimum depth of the front yards required along such side street for a dwelling.

Other accessory use requirements:

- (a) Porches and Decks. A zoning certificate shall be required if an existing deck or porch is replaced to its original size. Any other alteration, or the new construction of a deck or porch shall also require a zoning permit.
- (b) Swimming Pools.
 - (1) Swimming pools above and below ground, whether temporary or permanent, shall have a 4 foot fence constructed around the pool or the yard in which the pool is located. The owners must also apply for a permit before placement of swimming pools.
 - (2) Swimming pools located on corner lots shall not be located nearer a side street lot line than 15 feet.
- (c) Ponds.
 - (1) No new ponds will be allowed within the Village of McClure, with the exception of ornamental ponds.
 - (2) Existing ponds must be properly maintained must be mowed and free of weeds.
- (d) Fences.
 - (1) A zoning certificate shall be required for the placement of a fence on property, and said fence may be placed at the property line.
 - (2) The property owner constructing and placing any fence shall maintain the adjoining property on either side of said fence up to the existing property line.
 - (3) No fence shall be placed on or within the front lot of any property, with the exception of corner fencing. Fences placed on the rear or sides of any property shall not exceed 4 feet in height.
 - (4) The side of fencing that has the least amount of defects and would be considered the "better side" must be placed facing the adjoining property owners.
 - (5) All fence posts and railings must be placed on the inside of fence.

- (6) Fences must be constructed of one of the following material:
 - A. Wood Split- Rail. Must be treated wood with 4x4 posts and 2x2 rails, spacing between rails greater than 1x4 or less than 1x2, spacing between slats not greater than 1-3 inches.
 - B. Chain link.
 - C. Polyresin.
 - D. Underground electrical fences.
- (7) A wire fence may be used in conjunction with the above listed fencing for the purpose of keeping out animals as long as the wire fence is directly attached to the above said fencing and is made of a higher gauge wire.
- (8) No fence, wall or hedge shall be placed in such a manner as to be a hazard to vehicular or pedestrian traffic.

(e) Trees, Shrubs and Windbreaks. In all districts, shrubs and windbreaks shall be planted a minimum of 6 feet from any property line. Trees shall be planted not less than 10 feet from any property line.

(f) Must maintain trees, shrubs, windbreaks, flowers and etc. to avoid obstructing view for vehicular and pedestrian safety.

1117.05 ADEQUACY OF PROPOSED WATER AND SANITARY SEWAGE DISPOSAL FACILITIES.

No zoning certificate or building permit shall be issued without evidence that the McClure Board of Public Affairs or Henry County Health Department has approved the proposed water and sanitary sewage disposal facilities for the use for which the zoning certificate or building permit has been requested.

1117.06 CORNER LOTS.

Corner lots in all districts are required to have the minimum front yard requirements, as indicated for that district, facing both streets.

1117.07 SCREENING.

To secure optimum effect on transition from a residential to a nonresidential district, the Village Planning Commission shall have the power to determine the need for and amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.

1117.08 FACTORY BUILT HOUSING.

(a) Factory Built Housing will be allowed within the Village of McClure only if the following requirements are met.

- (1) The structure must be used as a permanent single occupancy dwelling;
- (2) A building permit must be obtained;
- (3) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

- (4) The wheels, axles and hitch must be removed;
- (5) The structure must have, excluding any additions, attachments, garages or porches, a total living area of at least 1000 square feet and be at least twenty-four feet in width;
- (6) The structure has a minimum 3;12 residential roof pitch, conventional residential siding and a 6 inch minimum overhang including appropriate guttering;
- (7) The structure was manufactured less than ten years from the date of application for the building permit.
- (8) Any set-up of manufactured homes must meet current state building requirements.

(b) For the purpose of this section, factory built home shall include singlewide and doubles wide mobile homes.

1117.09 PARKING AND STORAGE OF COMMERCIAL VEHICLES.

All commercial vehicles, which shall include commercial tractors, automobiles, trucks, buses, house trailers, semi trailers shall not be parked or stored on any property within a residential zoning district or commercial business district other than in a completely enclosed permanent building, except those commercial vehicles conveying the necessary tools, office materials and equipment to a premises where labor, using such tools, materials, and equipment, is to be performed during the actual time of parking.

1117.10 CAMPERS.

Recreational vehicles, campers, boats, boat trailers, and/or utility trailers shall not be parked or stored in a required front or side yard of any district, except when loading or unloading for a temporary period not to exceed 72 hours. Tires and axles must remain on the above said items and be operable at all times. All campers on stilts or jacks must be stored in an enclosed building.

1117.11 JUNK.

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, any indoor household amenities such as, but not limited to, appliances, sinks, toilets, hot water heaters, furnaces, bathtubs, box springs, mattress, discarded building materials or any unused building materials, or any other discarded objects or debris shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

1117.12 YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.

Nonresidential buildings shall not be located nor conducted closer than 10 feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry wall or solid fence between 4 and 8 feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than 4 feet in height at the time of planting. Neither type of screening shall obscure traffic visibility. Such screening shall be maintained and trimmed.

1117.13 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

1117.14 EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

1117.15 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES OR CONDITIONS.

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Ordinance if one (1) or more of the following conditions is found to exist at any time:

- (a) The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities.
- (b) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.
- (c) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
- (d) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
- (e) Objectionable noise as determined by the Police Department due to volume, frequency or beat is present.
- (f) Vibration discernible by the Police Department without instruments is present on an adjoining lot or property.
- (g) Direct or reflected glare is present which is visible from any street or from any property not within an industrial district.
- (h) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
- (i) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.
- (j) Burning of leaves, trash, debris or any other waste material.

1117.16 HOME OCCUPATIONS.

(a) Permitted Use. A home occupation shall be a permitted use if it complies with the following requirements:

- (1) The external appearance of the structure in which the use is conducted shall not be altered, and not more than one (1) sign no larger than 2 square feet shall be mounted flush to a wall of the structure.
- (2) No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
- (3) There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
- (4) Not more than 25 percent of the minimum floor area of the dwelling shall be devoted to the use.
- (5) No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- (6) No additional parking demand shall be created.
- (7) No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.
- (8) Must obtain a permit once a year through the Zoning Inspector with a copy of the Vendor's License.

(b) Conditionally Permitted Use. A person may apply for a conditional zoning certificate for a home occupation which does not comply with the requirements of a permitted use above. The criteria for the issuance of such a certificate for a home occupation are as follows:

- (1) There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed use.
- (2) Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
- (3) The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
- (4) Outside storage related to the home occupation may be permitted, if totally screened from the adjacent residential lots, provided the application so specifies.
- (5) Not more than 30 percent of the minimum floor area of any residence shall be devoted to the proposed home occupation.
- (6) The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one (1) sign no larger than 2 square feet shall be mounted flush to the wall of the structure.
- (7) No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- (8) No more than 2 additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.

(c) Invalidation Of Home Occupation Conditional Zoning Certificate. For the purpose of this Ordinance, a conditional zoning certificate issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional zoning certificate shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Planning Commission.

1117.17 TELECOMMUNICATION FACILITY.

The Telecommunications Act of 1996, which became law on February 8, 1996, preserves and affirms local zoning authority over the placement, construction and modification of cellular telephone facilities and other "personal wireless telecommunications" service facilities. Personal wireless services include cellular telephone, personal communication services, other mobile radio services, and any other Federal Communications Commission (FCC) licensed wireless common carriers. For the purpose of enforcing this Resolution, wireless telecommunications facility shall include any antenna, tower, structure, building or equipment involved in transmitting or receiving telecommunications or radio signals. Antennas used by amateur radio operators are excluded from this definition.

Wireless telecommunication facilities shall be considered a conditional use, and in addition to meeting all applicable requirements of Chapter 1137, the following requirements shall apply:

- (a) If the proposed wireless telecommunications facility is to include a new tower, the required site/development plan shall indicate all building and structures within 300 feet of the proposed facility.
- (b) Security fencing 8 feet in height shall surround the facility to an extent determined by the Planning Commission.
- (c) Buffer plantings and related vegetation may be located around the perimeter of the security fence as deemed appropriate by the Planning Commission.
- (d) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- (e) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be submitted with the application for a conditional zoning certificate, and shall demonstrate the need for a new tower.
- (f) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the FCC or Federal Aviation Administration (FAA).
- (g) No advertising is permitted anywhere on the facility, with the exception of identification signage.
- (h) No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA.
- (i) "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- (j) Collocation of antennas on an existing single tower or antennas attached to existing structures/buildings is permitted as a conditional use.

1117.18 INDUSTRIAL PARK DEVELOPMENT.

The purpose of industrial park development is to provide protection and compatibility with abutting residential and other non-industrial parcels; and to provide compatibility and amenity among the firms located in such park by application of stringent site planning and aesthetically desirable design. Industrial Park Development shall be considered a conditional use, and in addition to meeting all applicable requirements of Chapter 1137, the following requirements shall apply:

- (a) The applicant shall simultaneously file subdivision plats for his/her tract and execute the platting process with Village Council concurrently with the applicable requirements of Chapter 1137.
- (b) All uses except public and private utilities shall be conducted within a completely enclosed building. Where storage is incidental to the approved occupancy of the building, all products and materials used or stored shall be in a completely enclosed building, or enclosed by a masonry wall, screening, fence, or hedge not less than 8 feet in height.
- (c) Buffer plantings, screening (i.e., masonry wall and fence) or landscaping shall surround all buildings, parking areas, and the perimeter of the proposed tract as deemed appropriate by the Planning Commission.
- (d) The Planning Commission may require an area reserved for common open space not to exceed 25% of the entire proposed tract.

1117.19 FIREWOOD.

To avoid safety hazards and possible infestations of vermin, firewood must be stacked and corded neatly. It can not be piled or heaped in a mass. The stacks are not to exceed a height of four (4) feet.

1117.20 GARAGE SALES.

No property owners shall conduct in excess of four (4) garage sales per year including community garage sales. The duration of a garage sale shall be no more than three (3) calendar days in length. If the property owners exceed more than four (4) garage sales per year, a Vendor's License is required. All materials remaining from said sale must be placed in an enclosed building within 72 hours after the conclusion of the sale.

1117.21 RACE TRACKS.

No property within Village limits may be used for the purpose of recreation regarding any type of motorized vehicle and/or animals for racing, stunts, or jumping.

1117.22 BUILDINGS TO BE MOVED.

No permit shall be granted for the moving of used or existing buildings or structures from without or within the limits of the Village to be placed on property within the limits unless the Zoning Inspector has made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with all codes regulating the health, safety and general welfare of the Village. For buildings to be relocated within the Village an interest bearing escrow account of sufficient amount to insure the cost of completing the building for occupancy within a period of not more than six months from the date of the permit, shall be furnished before a permit is issued. The owner shall also be required to post a certified check with the Village Clerk in the amount deemed sufficient by the Zoning Inspector and/or Mayor to cover any damage to streets, roads, sidewalks, or other public improvements which may occur as a result of a building be moved.

1125.10 WALL SIGNS PERTAINING TO NONCONFORMING USES.

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 12 square feet.

1125.11 POLITICAL SIGNS.

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal, and shall not exceed four (4) square feet. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than 30 days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove all such material within 72 hours following election day.

1125.12 SIGN SETBACK REQUIREMENTS.

Except as modified in Section 1125.13, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least 10 feet, provided such sign does not obstruct traffic visibility at thoroughfare intersections. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

1125.13 INCREASED SETBACK.

For every square foot by which any on-premises sign exceeds 50 square feet, the setback shall be increased by one-half (1/2) foot but need not exceed 100 feet.

1125.14 SPECIAL YARD PROVISIONS.

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within eight (8) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than 12 feet, the latter shall apply.

1125.15 MAINTENANCE.

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within 30 days of issuing a notification. The Zoning Inspector shall remove any on-premises sign which is determined to be unsafe or structurally unsound within 10 days of issuance of notification.

1125.16 NONCONFORMING SIGNS AND STRUCTURES.

Advertising signs and structures in existence prior to the effective date of adoption of this Ordinance which violate or are otherwise not in conformance with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this chapter. (*See Chapter 1129: Nonconformities.*)

1125.17 LOSS OF LEGAL NONCONFORMING STATUS.

A legal nonconforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into conformance with this chapter or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed. (*See Chapter 1129: Nonconformities.*)

1125.18 VIOLATIONS.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Sections 1149.14 and 1149.15. Political signs posted in violation of Section 1125.11 of this Ordinance are subject to removal by the Zoning Inspector 5 days after written notice of violation of Section 1125.11 has been given.